



"The City With a Heart"

Rick Biasotti, *Chair*
Perry Petersen, *Vice Chair*
Mary Lou Johnson
Sujendra Mishra
Kevin Chase
Joe Sammut
Bob Marshall, Jr.

MINUTES PLANNING COMMISSION MEETING

May 21, 2013

7:00 p.m.

Meeting location: Senior Center, 1555 Crystal Springs Road, San Bruno

CALL TO ORDER at 7:02 pm.

ROLL CALL

	<u>Present</u>	<u>Absent</u>
Chair Biasotti	X	
Vice Chair Petersen	X	
Commissioner Sammut		X
Commissioner Marshall	X	
Commissioner Mishra	X	
Commissioner Chase	X	Arrived at 7:06
Commissioner Johnson	X	

STAFF PRESENT:

Planning Division: Community Development Director: David Woltering
Associate Planner: Laura Russell
Associate Planner: Matt Neuebaumer

Pledge of Allegiance: Commissioner Mishra

1. Approval of Minutes – April 16, 2013

Motion to Approve Minutes of April 16, 2013 Planning Commission meeting.

Petersen/ Mishra

VOTE: 5-0
AYES: All Commissioners Present.
NOES: None
ABSTAIN: None

2. Communication

E-Packets are available on line at www.sanbruno.ca.gov

Transit Corridor Plan is available on line at www.planbruno.org

Rebuild Crestmoor website is available at www.rebuildcrestmoor.org

3. Public Comment

4. Announcement of Conflict of Interest

5. Public Hearings

A. 235 Linden Avenue

Request for a Use Permit to allow an addition which increases the gross floor area by greater than 50% (139%) and exceeds the .55 FAR guideline (.58), a Minor Modification to continue the existing 3'-0" left side yard setback and 4'-6" right side yard setback, where 5'-0" is required, and a Parking Exception to allow a tandem garage per Sections 12.200.030.B.1, 12.220.030.B.2, 12.120.010.A., and 12.200.080.C, respectively, of the San Bruno Municipal Code. Neoklis & Maria Konidaris (Applicant & Owner) UP12-014, MM13-003, & PE13-001.

Associate Planner Neuebaumber: Entered staff report.

Staff recommends that the Planning Commission approve Use Permit 12-014, Minor Modification 13-003, and Parking Exception 13-001 based on Findings of Fact 1-11 and Conditions of Approval 1-25.

Chair Biasotti asked Commission if there were any questions for staff.

Commissioner Marshall: I wanted to clarify this is on the west side of the street not the north, correct?

Associate Planner Neuebaumber: Correct.

Maria Konidaris; Applicant: We have lived here in San Bruno for 12 years and our family needs more room. We are requesting your approval for this permit.

Commissioner Johnson: Have you read through all of the conditions of approval and do you agree with them?

Maria Konidaris; Applicant: Yes.

Public Comment Opened.

None.

Public Comment Closed.

Motion to approve Use Permit 12-014, Minor Modification 13-003, and Parking Exception 13-001 based on Findings of Fact (1-11) and Conditions of Approval (1-25).

Commissioner Petersen/ Chase

VOTE: 6-0

AYES: All Commissioners Present.

NOES: None

ABSTAIN: None

Chair Biasotti advised of a 10-day appeal period

Findings of Fact

1. The proposed development will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use.
2. The proposed development will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city given its quality architectural features and its general conformance to a majority of regulations as set forth in the Municipal Code.
3. The proposed development will be consistent with the general plan.
4. The proposed development, as set forth on the plans, and with recommendations by staff, will not unreasonably restrict or interfere with light and air on the property and on other property in the neighborhood, will not hinder or discourage the appropriate development and use of land and buildings in the neighborhood, or impair the value thereof; and is consistent with the design and scale of the neighborhood.
5. That the general appearance of the proposed building, structure, or grounds will be in keeping with the character of the neighborhood, will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood.
6. The proposed expansion complies with applicable off-street parking standards of the City of San Bruno Zoning Ordinance.
7. That any proposed single-family or two-family dwelling conforms to the basic design principles of the residential design guidelines as adopted by resolution by the city council and as may be revised from time to time.
8. That the general appearance of the proposed building or structure, or modification, thereof, is in keeping with the character of the neighborhood.
9. That the minor modification will not be detrimental to adjacent real property.
10. The strict application of the provisions of this chapter would cause particular difficulty or undue hardship in connection with the use and enjoyment of said property.
11. That the establishment, maintenance and/or conducting of the off-street parking facilities as proposed are as nearly in compliance with the requirements set forth in this chapter as are reasonably possible.

CONDITIONS OF APPROVAL

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the Summary of Hearing to the Community Development Department within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 13-002, Minor Modification 13-003, and Parking Exception 13-001 shall not be valid for any purpose. Use Permit 13-002, Minor Modification 13-003, and Parking Exception 13-001 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The signed copy of the Summary of Hearing shall be photocopied and included on a full size page in the Building Division set of drawings.
3. The request for a Use Permit, Minor Modification, and Parking Exception shall be built according to plans approved by the Planning Commission on May 21, 2013 labeled Exhibit C except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Community Development Director.
4. The applicant shall obtain a City of San Bruno building permit before construction can proceed. The operation of any equipment or performance of any outside construction related to this project shall not exceed a noise level of 85 decibels (as measured at 100 feet) during the hours of 7:00 a.m. to 10:00 p.m. or exceed 60 decibels (as measured at 100 feet) from 10:00 p.m. to 7:00 a.m.
5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
6. The residence shall be used only as a single-family residential dwelling unit. No portion of the residence shall be rented out as a secondary residential dwelling unit. Any attempt to construct an illegal dwelling unit will result in Code Enforcement action by the City.
7. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the California Building Code. The residence must have the ability to park the required number of vehicles in the designated garage area. Failure to conform to this condition is grounds for code enforcement action, which may result in substantial code compliance costs to bring the garage back into conformance.
8. The eave for the garage expansion shall be eliminated at the time of building permit submittal.
9. Prior to securing a building permit, the applicant, owner, and general contractor shall meet with Planning and Building staff to ensure compliance with the conditions of approval during the construction process.
10. Prior to Final Inspection, 15% of the site shall be landscaped and any site landscaping damaged during construction shall be replanted to the satisfaction of the Community Development Director. No more than 80% of the lot shall consist of impervious surfaces.
11. The developer shall indemnify, defend, and hold harmless the city, its officers, employees and agents, from any and all claims and lawsuits from third party(s) involving or related to the city's consideration and/or approval of the developer's application for development.
12. Please note that the front property line is located 2 feet behind the sidewalk on Linden Avenue. No fences, retaining walls, or other permanent structure shall be placed or constructed within 2 feet from back of sidewalk along Linden Avenue. S.B.M.C. 8.08.010.
13. The Applicant shall provide flow line diagrams for cold water lines, hot water lines, gas lines, and sanitary sewer lines to include all existing and proposed systems in accordance with the applicable California Building Code 2010.
14. An Encroachment Permit from Public Services Department is required prior to commencing any work within the City's public right-of-way. S.B.M.C. 8.16.010. The Encroachment Permit shall be issued prior to issuance of a building permit.

15. All damaged curb, gutter, sidewalk or driveway in the public right-of-way fronting the property shall be removed and replaced. Remove and replace all damaged and/or broken sidewalk at front of property for all location where there are any raised or offset concrete sections greater than or equal to 3/4 -inch. S.B.M.C. 8.12.010.
16. Planting of one 36-inch box size approved tree or payment to the in-lieu replacement tree fund per most current fee schedule is required. Tree shall be located on Linden Avenue per S.B.M.C. 8.24.060. At the current rate, the impact payment required is \$540. A separate tree-planting permit is required from Parks and Recreation Services for any new street tree.
17. If not present, the applicant shall install a sanitary sewer lateral clean-out at property line per City standards detail SS-02. Older clean outs not meeting current city standards shall be replaced.
18. Paint address number on face of curb near driveway approach. Lettering shall be black, 4 inches or larger, and painted on a white background. Indicate the location of the address numbers on the site plan.
19. An Erosion control plan and storm water pollution prevention plan required. The plan must show existing storm drain inlets and other storm water collection locations protect by silt screens or silt fence. Work shall conform to the current NPDES requirements. S.B. Municipal Code 12.16.020.
20. Storm water from new and existing roof down spouts and other on-site drainage, shall be collected and drained into landscaping or collected through an under sidewalk curb drain to the gutter per City standards detail ST-03. Foundations shall be protected from storm water. Drainage into adjacent properties shall not be allowed. Indicate any pipes, swales, or applicable ground percolation treatments as necessary.
21. The building permit plans shall include a site plan that shows all properly lines, setbacks and easements, and all existing and proposed grading and drainage improvements. All unpaved areas shall be graded to slope at 1% or more. All paved areas shall be graded to slope at 0.5% or more. All grading and drainage work shall conform to the current NPDES requirements. S.B.MC. 12.16.020
22. Perform water demand calculation based on the requirements in Chapter 6 of the California Plumbing Code to confirm that the existing 3/4 inch water meter service is sufficient to serve proposed water demand. If existing meter is undersized, a new meter is required. Applicant shall pay water and sewer capacity charges based on the size of the water meter installed along with materials and installation of an upgraded water meter. S.B.M.C. 10.14.020/110. Indicate on the plans the location of the existing water meter and the available water pressure at the property.
23. Address numbers to be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
24. Provide hard-wired smoke detectors with battery backup as required by building code.
25. Provide spark arrester for chimney if not currently in place.

6. Discussion

- A. City Staff Discussion:** Commissioners Mishra, Biasotti, and Chase volunteered for the June 13, 2013 Architectural Review Committee meeting. Commissioner Johnson was selected for back-up.

Update regarding the condominium conversion at 2081 Whitman Way:

CDD Director Woltering gave introduction.

At the April 16, 2013 Planning Commission meeting, a number of issues were raised by residents of the Park Plaza Apartments regarding the construction that has been on-going at the site. Staff also received an email after the Planning Commission meeting with some other potential issues including condition of exterior lighting, partially completed walkways, condition of new concrete slabs/patios, and ADA access. Staff has reviewed the concerns and project records, and a City Building Inspector met with the applicant on site on April 22, 2013 to inspect the areas of concern.

Associate Planner Russell entered summary report.

Status of Permits and Inspections

The primary building permit for the majority of the exterior work has not been finalized as of the writing of this memo. A correction list from Building, Planning, and Engineering has been supplied to the applicant. Staff has been working closely with them on these final items. Throughout the course of construction, Building Inspectors have conducted over 20 progress inspections for this primary permit. Separate permits were issued for other items such as electrical work, fire suppression system, panels covering the fire escapes, gas valves, fire escape safety rails, and the entryway canopy. All of these permits have received the proper progress inspections.

Unfinished Work

There were two specific concerns related to unfinished work on site. The first was related to the fire suppression system. Currently, there are two open permits for the fire sprinkler/suppression system. Staff will follow up with the Fire Marshal and applicant to discuss completion of this work. The second concern about unfinished work was related to walkway repairs. On April 23rd, the Building Inspector observed that most of this work was completed and the applicant indicated that the remainder would be completed that week.

Quality and Phasing of Work

The City's authority over the quality of finish work is limited if the construction meets the Building Code and Municipal Code. On occasion, City staff will inspect work that meets the legal requirement but does not meet a high aesthetic standard. In those cases, staff often provides recommendations, but our authority to require changes is very limited. The exception to this is related to specific architectural elements that are related to an Architectural Review Permit (ARC Permit). Park Plaza does have an ARC Permit that specifies requirements for the exterior work that is visible from the public right-of-way. Staff has worked closely with the applicant to ensure that those exterior elements are consistent with the approved permit. We have reviewed all the exterior colors, finishes, and materials over approximately four site visits and eight office meetings throughout the construction process.

Staff received specific concerns regarding the quality of the exterior lighting fixtures and the concrete patios and entryway, which were inspected on April 22nd. Staff found that the exterior light fixtures are bronze aluminum that seem to be in good condition. The light fixtures in the corridors are a brushed aluminum finish and show no signs of weathering. There are old fluorescent fixtures throughout the complex, which the property manager said would be replaced in the future. The concrete patio pads at the rear of the building do have some cracks, but this is fairly common with larger slabs of concrete. The cracks in the patios do not raise any Building Code concerns. The front entryway concrete was also inspected and found to be in compliance with the Building Code. Testing Engineers, Inc., an outside firm, was on site for sub-grade areas prior to concrete pours and verified compaction. We have copies of their inspection records in our files.

In regards to construction phasing, the City cannot dictate the order of the work for any given building permit beyond what is required for proper construction under the Building Code. For example, staff cannot require the contractor to work on the balconies one day and the walkways another day. Staff does require the specific construction methods meet the Building Code, which are enforced through regular progress inspections.

Dry Rot

As part of the original application materials, the applicant was required to provide a Property Condition Assessment (prepared by a licensed Engineer) and a pest control report. Both of these reports identified some areas of dry rot and/or decayed wood components. Conditions of Approval numbers 11 and 13 require that all of these deficiencies be repaired and documented to staff prior to sale of any of the units.

During the course of construction, staff received a complaint about the contractor potentially covering up dry rot conditions without properly repairing them during repair of the guardrail. The Building Official and Planning staff met with the applicant to discuss this complaint. A Code Enforcement Case was opened and a separate building permit was issued in November 2012 to remedy this condition. The work was inspected and the permit was finalized.

Other dry rot conditions have been encountered and properly repaired during construction. Specifically, staff has inspection records from TSA Structural Engineers, Inc., an outside inspection firm, confirming proper framing replacement of dry rot damaged wood at two locations.

Americans with Disabilities Act (ADA) Facilities

Due to the age and use of the buildings, the project does not require ADA facilities. The applicant chose to install a ramp to the front entrance when it was redesigned. The original design of the project included an ADA parking space that the applicant proposed (but was not required). When the final survey and engineering was done, it was found that the ADA space could not be constructed to be in compliance with the slope, ramp, and space requirements for a legal ADA space because of the site slope and existing buildings. The applicant has submitted a letter stating that they will make reasonable alterations to the existing facilities to accommodate a person with disabilities if they wish to purchase a condominium in the future.

Summary

The primary building permit for exterior work on the site is still open and additional inspections will be required prior to final. The applicant will have to meet all Conditions of Approval. In particular, the applicant will have to meet Conditions 11 and 13, which require that all deficiencies identified in the Property Condition Assessment and pest control report be repaired and reported to staff. In addition, staff will continue to work with the applicant to address any outstanding issues as the exterior work move towards completion.

B. Planning Commission Discussion:

Commissioner Marshall: I would like to inquire why we would go into such great detail on a progress report for one specific project and not all projects? Is it because of the numerous complaints?

CDD Director Woltering: I asked Laura Russell, Associate Planner and Luca Miranda, Building inspector to research the project. I felt there was a lot of discussion and controversy regarding this specific project at the last meeting; I wanted to make sure that we provided answers to the public's questions and comments. We felt confident in our staff presentation at the last meeting that all was in order and there are conditions of approval that are yet to be satisfied. We wanted to make sure that we thoroughly look into these concerns and provide a clarifying response.

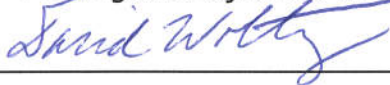
Commissioner Mishra: The lot behind Melody Toyota was brought to the Planning Commission a few years back. I recall a resident expressing concern on the exterior lighting and that it was shining into their windows at night. I believe that the lights were turned off for quite some time, however, the lights are now back on. I would like to ask staff to look into the potential issue before we receive a complaint. Lastly, I wanted to follow up on the Pacific Bay Vistas. A few months back I asked for some follow up on the bio-swale near the community building. It looks like the bio-swale is not up to par; it will not retain any water. I would like to request that staff follow-up on its function and find out if it is meeting its intent.

Associate Planner Russell: Staff will follow-up regarding the Commissioner's concerns. I recall that conversation, our development engineer has visited the Pacific Bay Vistas site, and CSG Consultants, Inc. is providing our C3 stormwater plan reviews, which includes the review of the bio-swales. We are actively reviewing the site and working closely with the experts on the project.

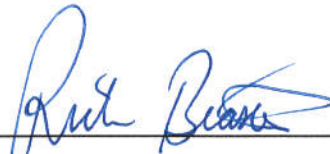
Chair Biasotti: I would like to thank staff for the very thorough follow up.

7. Adjournment

Meeting was adjourned at 7:27 pm



David Woltering
Secretary to the Planning Commission
City of San Bruno



Rick Biasotti, Chair
Planning Commission
City of San Bruno

NEXT MEETING: June 18, 2013